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State Constitutional Amendments, 1917-18—Concluded

STATE	SUBJECT	VOTE	
		In favor	Opposed
Wisconsin.....	Courts—Circuit judges	Pending	
	Legislature—Compensation	Pending	
Wyoming.....	Live stock inspection, protection and indemnity	22,011 ^f	10,499
	Supreme court—Special judge	27,510	4,623
	State prohibition	31,439	10,200

^a Withdrawn by legislature of 1919 and resubmitted.

^b Failed for want of a majority vote.

^c Held not adopted because of conflict with amendment on double taxation approved by a larger vote.

^d Items in italics were legislative measures, not constitutional amendments.

^e Incomplete.

^f Failed, 22,170 votes necessary.

Judiciary Legislation. No striking changes in the state judiciary were made by any legislature in 1917 or 1918. Several minor experiments or extensions in the judicial system resulting from the ante-bellum period may be chronicled.

Jury. Expensive delays and even retrials are sometimes caused by the illness, death, or other temporary or permanent inability to serve of one or more jurors after trial has been begun. With an eye to prevent such impediments to the progress of cases, the state of Washington¹ has authorized the calling of one or two additional jurors, known as "alternate jurors," drawn from the same source, in the same manner, and of the same qualifications as the regular jury, at the discretion of the court in cases of felony where trial is likely to be protracted. The alternate jurors are to be sworn in and seated near the regular jury with equal power and facilities for seeing and hearing the proceedings, kept in confinement with the other jurors, and bound by the court's charge. Their attendance is compulsory at all times. Then, if in event of illness, death, or other disability, a juror is unable to continue to serve, the court may order one of the alternates drawn, to be substituted in his place, and the trial to proceed without inter-

¹ *Session Laws*, p. 185.

ruption. Upon final submission of the case to the jury, the alternate jurors are discharged from further service.

Selection of Judges. Nebraska² is added to the list of states providing for the nonpartisan election of judges of higher rank—supreme court, district and county courts. These judges must be nominated at the primary election on a nonpartisan ballot, on which their names are to be placed by petition. This plan is similar to that in Ohio, except that the nonpartisan election of certain school officials is provided for and their names also included on the ballot.

The legislature of South Dakota, in 1917, proposed³ an amendment permitting the supreme court, when one or more of its judges shall be disqualified, by reason of interest in a case or other cause, so to decide, and another person or persons selected as the legislature shall provide to serve in the place of the disqualified judge or judges in that particular case.

Conciliation Court. The legislature of Minnesota,⁴ in 1917, created a court of conciliation and small debtors court, as a part of the Minneapolis municipal court. This judge ranks as a municipal judge, but is designated conciliation judge. His powers are the same as any of the other municipal judges and he is elected in the same way; when not occupied with his special duties, he is entitled to act as a regular municipal court judge.

In the conciliation court, no costs are to be levied on either side, except that actual disbursements of the prevailing side, as allowed on civil actions, may be included in the settlement. No fees for service of papers or otherwise are to be charged and no attorneys employed. Witnesses produced by either party may be heard by the court. Actions must not involve more than fifty dollars. Appeal from the judge's decision may be carried to the regular municipal court. The object of this conciliation court is to settle as many small cases as possible by agreement without trial and thus to save both the parties and the city the trouble and expense of burdensome and unimportant litigation.

Domestic Relations Court. A court of domestic relations has been created for Lucas County, Ohio (Toledo).⁵ The judge is to be elected

² 1917, *Session Laws*, p. 112.

³ 1917, *Session Laws*, p. 209.

⁴ 1917, *Session Laws*, p. 397.

⁵ 1917, *Session Laws*, p. 732.

by the electors of the country in 1920 and every six years thereafter. In the intervening period of three years, he is to be selected by the judge of common pleas and the probate judge from among their number. The court is to supersede the juvenile court with enlarged powers, including divorce and the custody of children, juvenile delinquency, bastardy, and child labor, with specific provision that any other court finding that a case is within the jurisdiction of the domestic relations court, shall immediately transfer the case to that court.

Children's Courts. An amendment⁶ to the New York state constitution in 1917 empowers the legislature to establish children's courts and courts of domestic relations either in separate courts or as parts of existing courts. To these courts may be given jurisdiction over juvenile delinquency, desertion or nonsupport of wife and family, except in cases involving a felony.

In amending the city charter of Buffalo,⁷ a provision has been added to exclude the general public from attendance at trials in the children's court and the public inspection of its records indiscriminately. The record of each case to be open for inspection only to the parents, guardian, or attorney of the child involved. Further, all trials involving children are to be held by the judge without jury.

In 1918 a children's court was established in Chatauqua County⁸ as a separate part of the county court, giving original and exclusive jurisdiction in cases involving children under sixteen years of age, covering juvenile delinquency and child custody. The jurisdiction of this court once obtained will continue during the minority of the child. This act is similar to the jurisdiction for the children's court in the Buffalo city charter.

The powers of the municipal court of Philadelphia, which has exclusive jurisdiction in juvenile cases, were enlarged⁹ in 1917 to cover proceedings in cases of desertion or nonsupport of children by the mother or grandparents and of child defectives; and all cases of desertion and nonsupport pending are transferred to it.

South Carolina¹⁰ has enlarged the jurisdiction of the recorder's court, in cities over 50,000 in population, to include juvenile cases (children under eighteen).

⁶ 1917, *Session Laws*, v. 3, p. 2793.

⁷ New York: 1917, *Session Laws*, v. 2, p. 1629.

⁸ New York: 1918, *Session Laws*, p. 1457.

⁹ Pennsylvania: 1917, *Session Laws*, p. 1018.

¹⁰ 1917, *Session Laws*, p. 132.

Women Probation Officers. Specific provision is made by amendment to the Revised Code of 1913 of Nebraska¹¹ relative to juvenile courts, for the appointment of two women, instead of one, out of the three assistant probation officers in counties of over 100,000 inhabitants.

Delaware in 1917¹² created the office of paid assistant probation officer, making it mandatory that appointees be women.

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¹¹ 1917, *Session Laws*, p. 89.

¹² 1917, *Session Laws*, p. 829.